

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

10-CV-6005 (RWS)

-against-

NOTICE OF MOTION

THE CITY OF NEW YORK, *et al.*,

Defendants.

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PLEASE TAKE NOTICE that upon the Memorandum of Law, dated December 22, 2014, the Plaintiff's Rule 56 Statement and its attached Exhibits, and the papers and proceedings heretofore had herein, the Plaintiff will move this Court, on a date to be set by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure for the following relief and for such other and further relief as the Court deems just and proper:

(1) dismissal of Defendant, Deputy Inspector Steven Mauriello's counterclaims for tortious interference with his employment relationship and for *prima facie* tort on the grounds that there is no evidence to support several of the essential elements of those claims;

(2) a judicial determination as a matter of law that the NYPD defendants' warrantless entry into Officer Schoolcraft's home on October 31, 2009 violated the Fourth Amendment's search and seizure provisions and that the NYPD defendants who made that entry lacked any specific and objectively reasonable basis that could justify their warrantless entry into Officer

Schoolcraft's home;

(3) a judicial determination that the defendants' conduct in entering, remaining in, and re-entering, Officer Schoolcraft's home, in assaulting and handcuffing him, and in detaining and forcing him to Jamaica Hospital as an "emotionally disturbed person" violated Officer Schoolcraft's constitutional rights and that no objectively reasonable grounds exist that could justify the defendants' conduct or their determination that Officer Schoolcraft was an "emotionally disturbed person;" and

(4) a judicial determination that the forced and involuntary hospitalization of Officer Schoolcraft by Jamaica Hospital and Doctors Bernier and Isakov violated Officer Schoolcraft's rights by involuntarily committing him without any determination that there was a substantial risk that he was dangerous, as required by law.

Dated: December 22, 2014
New York, New York

LAW OFFICE OF
NATHANIEL B. SMITH

s/NBS

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